

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q77326	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	Filed	
	10/733,579	December 12, 2003	
	First Named Inventor		
	Kyung-ah KIM		
	Art Unit	Examiner	
	2424	Franklin S. ANDRAMUNO	
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number 38,551</p> <p style="text-align: right;">_____/Peter A. McKenna/ Signature</p> <p style="text-align: right;">_____ Peter A. McKenna Typed or printed name</p> <p style="text-align: right;">_____(202) 293-7060 Telephone number</p> <p style="text-align: right;">_____ July 23, 2010 Date</p>			

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q77326

Kyung-ah KIM

Appln. No.: 10/733,579

Group Art Unit: 2424

Confirmation No.: 8600

Examiner: Franklin S. ANDRAMUNO

Filed: December 12, 2003

For: BROADCAST PROGRAM INFORMATION SEARCH SYSTEM AND METHOD

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated March 3, 2010, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claim rejections under 35 U.S.C. § 103(a)

Claims 1-4, 7 and 23-24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robarts et al. (U.S. Publication No. 2005/0278741; hereinafter "Robarts") in view of Lee et al. (U.S. Patent No. 6,463,428; hereinafter "Lee") and further in view of Dagtas et al. (U.S. Publication No. 2003/0093260; hereinafter "Dagtas").

Claims 8-15, 17-19 and 21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robarts in view of Lee and Dagtas, and further in view of Kikinis (U.S. Patent No. 7,213,256; hereinafter "Kikinis").

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Robarts in view of Lee and Dagtas, and further in view of Hori et al. (U.S. Patent No. 7,209,942; hereinafter “Hori”).

Applicant traverses the rejection as follows.

Claim 1

As defined by independent claim 1, the features of claim 1, in part, are directed to a content program information search system that comprises “[a] server [that] is configured to extract from the first database based on an order of priority based on search frequency and to transmit to the transmitter at least one transmission search term of the plurality of search terms, and said digital signal receiver is configured to display in the order of priority the at least one transmission search term transmitted from the transmitter wherein the search frequency corresponds to a frequency at which the search terms are input from the external input device.”

In the Response Under 37 C.F.R. § 1.116 filed on May 3, 2010, Applicant submitted that the combination of Robarts, Lee and Dagtas, alone or in combination do not teach or suggest the above discussed features of claim 1.

In response, the Examiner now cites FIG. 15 and paragraph [0147] of Robarts¹ for allegedly disclosing the above underlined feature of claim 1. Specifically, the Examiner contends that Robarts teaches a search field in which the word “Magic” has been inserted. The

¹ In the continuation sheet of the Advisory Action, the Examiner incorrectly cites FIG. 15 and paragraph [0147] of Dagtas. Applicants note that Dagtas does not have FIG. 15 or paragraph [0147]. However, it appears that the Examiner intends to rely on FIG. 15 and paragraph [0147] of Robarts. During a brief telephone conversation on June 28, 2010, the Examiner confirmed the above.

output of this search results in various forms of programming including, Discovery channel, Disney and sports. As a result, Robarts teaches a system in which the frequency of the search term are input. The frequency of the word magic/magical is output as shown in FIG 15. Further, the Examiner asserts that page 11, paragraph [0147] teaches that EPG permits viewers to merge their individual queries into composite queries. The EPG also permits a viewer to save queries in a convenient hierarchic structure (*See Continuation Sheet of the Advisory Action*). Applicant respectfully disagrees with the Examiner for at least the following reasons.

As an initial matter, Applicant would like to respectfully point out that the issue is not whether the search terms are input from an external device or determining how frequently the search word appears in a search result. Instead, the claimed feature requires that the search frequency correspond to the **frequency at which the search terms are input** by the external device. That is, the input frequency of the search terms (how frequently a particular search term was input) are used to determine the order of priority.

ROBARTS

In FIG. 15 and the corresponding description, Robarts discloses a quick find window 300 in which a viewer enters data from a numeric pad on the remote control handset. For each key, the EPG constructs a query which interprets the data as possibly representing a number or one of the letters associated with the numeric key. The EPG then executes the query to identify any EPG data item that satisfies the query and displays a list of the searched item (paragraph [0147]). However, Robarts at most teaches a quick search using numeric key pads that produces a list with elements that match the query, but does not teach or suggest “a frequency at which the search terms are input”, as recited in claim 1.

Moreover, even if *assuming arguendo*, Robarts discloses merging individual queries into composite queries and saving queries. This does not teach or suggest “a frequency at which the search terms are input,” as recited in claim 1.

LEE

Further, in column 5, lines 14-15, Lee merely discloses that the keywords in the list could each be ranked based on the frequency in which the keyword appeared in the search result. However, the frequency at which the keyword appeared in a search result does not teach or suggest a frequency at which the search terms are input.

DAGTAS

Moreover, paragraph [0055] of Dagtas discloses that a controller that generates a message asking the user to input a desired search field weight factor. However, this does not teach or suggest inputting search terms from an external device. Moreover, even if, *assuming arguendo*, Dagtas discloses input from an external device, it does not teach or suggest a frequency at which the search terms are input from the external input device.

Since Robarts, Lee and Dagtas, alone or in combination, do not teach or suggest the input frequency of the search terms being used to determine the order of priority, i.e., “the search frequency corresponds to a frequency at which the search terms are input from the external input device,” Applicant respectfully submits that claim 1 patentable.

In view of the above, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejection of claim 1.

Claims 8, 11, 15 and 19

Applicants submit that since claims 8, 11, 15 and 19 recite subject matter analogous to claim 1 and since Kikinis does not teach or suggest the features of claim 1 missing in Robarts, Lee and Dagtas, claims 8, 11, 15 and 19 are patentable for at least the analogous reasons claim 1 is patentable.

Claims 2-4, 7, 9, 12-14, 17, 18, 21 and 23-24

Applicants submit that claims 2-4, 7, 9, 12-14, 17, 18, 21 and 23-24 depend from one of the independent claims, and therefore these claims are patentable at least by virtue of their dependency.

Claims 5 and 6

Applicants submit that since claims 5 and 6 depend from claim 1 and since Hori does not cure the deficiency noted above with regard to claim 1, Applicants respectfully submit that claim 1 is patentable over the cited references.

Conclusion

For all of the foregoing reasons, Applicant respectfully submits that claims 1-9 are patentable over the cited references.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 23, 2010

_____/Peter A. McKenna/____

Peter A. McKenna
Registration No. 38,551